

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In re:

BKY No.: 04-42960

Kellogg Media, Inc.,

Chapter 7

Debtor.

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**MOTION TO DISMISS**

1. Brian F. Leonard, the duly appointed Trustee in this case, hereby brings this motion and gives notice of hearing.

2. A hearing on this motion will be held before the Honorable Nancy C. Dreher in Courtroom 7 West, U.S. Courthouse and Federal Building, 300 South Fourth Street, Minneapolis, Minnesota 55402 on the 27th day of October, 2004 at 10:30 o'clock a.m.

3. Any objection or response to this motion must be served and filed no later than October 15, 2004, if by mail, or served and filed no later than October 20, 2004, if by physical delivery. **IF NO OBJECTION OR RESPONSE IS SERVED AND FILED, THE COURT MAY GRANT THE RELIEF REQUESTED WITHOUT A HEARING.**

4. The undersigned moves the Court for an order dismissing this case. The basis for this motion is that the Debtor, through its sole principal and officer, Frederick Brad Kellogg, has refused to attend the Section 341 hearing in this case, despite the said hearing being postponed and rescheduled three different times at his request. In addition, attached hereto is a letter from the Debtor's counsel indicating the Debtor's consent to a dismissal.

**WHEREFORE**, the undersigned requests that the Court enter an order dismissing this case, and for such other and further relief as is just and equitable.

**LEONARD, O'BRIEN  
SPENCER, GALE & SAYRE, LTD.**

Dated: August 30, 2004

/e/ Brian F. Leonard  
By \_\_\_\_\_  
Brian F. Leonard, #62236  
Attorneys for Brian F. Leonard, Trustee  
100 South Fifth Street  
Suite 2500  
Minneapolis, Minnesota 55402-1216  
(612) 332-1030

**VERIFICATION**

I, Brian F. Leonard, the Chapter 7 Trustee, state under penalty of perjury that the foregoing information is true and correct to the best of my information and knowledge.

Dated: August 30, 2004  
/e/ Brian F. Leonard  
\_\_\_\_\_  
Brian F. Leonard

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**Joseph W. Dicker, P.A.**

*attorney at law*

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August 17, 2004

Brian Leonard, Esq.  
LEONARD O'BRIEN  
WILFORD SPENCE & GALE  
100 South Fifth Street  
Suite 1200  
Minneapolis, MN 55402

**RE: Kellogg Media, Inc**

Dear Mr. Leonard:

I write to confirm the substance of our recent phone conversation. You have agreed to continue the first meeting in the referenced case until 11:00 a.m. on Thursday, August 19, 2004. The meeting will be conducted in the U.S. Trustee's meeting room, 1017 U.S. Courthouse. I have already advised Ryan Murphy of this arrangement, and am providing him with a copy of this letter.


It is my understanding that in light of the prior scheduled meetings at which Kellogg Media, Inc. did not appear, this continuance has been granted on the following conditions: (1) That Mr. Frederick Brad Kellogg, the Debtor's principal, must attend; (2) If Mr. Kellogg does not attend at this time, there will be no further continuances, and you will file immediately for dismissal of the case; and (3) The Debtor must, under those circumstances, consent to dismissal of the case, and will not object to the granting of dismissal on an ex parte basis, or on limited notice. I have conferred with Mr. Kellogg about these matters and am authorized to represent to you that Kellogg Media, Inc. agrees to these conditions. To that end, I enclose a form of consent that you may file with your pleadings should it be necessary to dismiss the case.

Brian Leonard, Esq.  
August 17, 2004  
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Thank you for your kind attention.

Very truly yours,

Joseph W. Dicker, P.A.



Joseph W. Dicker

JWD/jlt

Enclosure

cc: Mr. F. Brad Kellogg  
Ryan Murphy, Esq.

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA  
FOURTH DIVISION**

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In re:

BKY No. 04-42960

Chapter 7

Kellogg Media, Inc.,

Debtor.

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**CONSENT TO DISMISSAL OF THE CASE**

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TO: The Honorable Nancy C. Dreher, Judge of the United States Bankruptcy Court, and all parties-in interest.

COMES NOW, Kellogg Media, Inc. ("Debtor"), by and through its undersigned attorney, states as follows:

1. The first meeting of creditors was scheduled for June 21, 2004.
2. At the request of the Debtor's counsel, the first meeting of creditors was rescheduled for July 6, 2004.
3. At the request of the Debtor, the first meeting of creditors was rescheduled again, for August 3, 2004.
4. The Debtor has not appeared at the rescheduled first meeting of creditors.
5. The trustee has agreed to continue the first meeting of creditors until August 19, 2004, at 11:00 a.m., on the condition that if the Debtor does not appear by an officer and director at that time, the case is subject to dismissal upon the trustee's application or motion.
6. Kellogg Media, Inc. does hereby consent to dismissal of the case, and hereby waives all rights and notice or proceedings herein in the event that it does not appear by its officer or director on August 20, 2004.

Respectfully submitted,

**Joseph W. Dicker, P.A.**

Dated: August 13, 2004

By: /s/ Joseph W. Dicker  
Joseph W. Dicker (158264)  
Suite 208  
1406 West Lake Street  
Minneapolis, MN 55408  
Telephone: (612) 827-5941